

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DePuy Mitek, Inc.)	
a Massachusetts Corporation)	
)	
Plaintiff,)	
)	
v.)	Civil No. 04-12457 PBS
)	
Arthrex, Inc.)	
a Delaware Corporation and)	
)	
Pearsalls Ltd.)	
a Private Limited Company)	
of the United Kingdom)	
Defendants.		

PROPOSED JOINT VOIR DIRE

[SUBMITTED JULY 13, 2007]

The parties have not proposed general questions relating to matters including, the potential jurors' backgrounds and knowledge of the parties/dispute/witnesses because the parties have an understanding that the Court asks these questions as part of the general voir dire process. The parties request that the Court also ask the potential jurors about prior knowledge of Ethicon and Johnson & Johnson, in addition to the named parties.

The parties propose the following additional voir dire questions.

Parties Proposed Additional Voir Dire

1. Has any prospective juror had personal experience with patents? The parties' proposed follow-up questions:

- a. What was your experience with patents?
- b. Did your patent experience involve personally trying to obtain a patent or patents your company had?
- c. Have you ever had any direct experience with the United States Patent and Trademark Office?
- d. If so, please explain.
- e. What opinions have you formed about patents and the patent process?
- f. Have you ever been involved in any legal action concerning patents? What were the specifics of this case?
- g. Will any of your personal experiences with patents impact your ability to be a fair and impartial juror in this case?

2. Does any prospective juror have any educational background in legal matters? The parties' proposed follow-up questions:

- a. What was that training?

3. Has any prospective juror or any immediate family member or close friend ever been employed in a job involving legal matters? The parties' proposed follow-up questions:

- a. What type of job do (did) you have?
- b. Where are (were) you employed?
- c. (If an attorney) what type of law do (did) you practice?
- d. (If not an attorney) what are (were) your responsibilities?

4. Does any prospective juror or any immediate family member or close friend have educational background or work experience in textile engineering or textile manufacturing? The parties' proposed follow-up questions:

- a. What was the educational background?
- b. What is (was) the work experience?
- c. Does (did) it involve applying a coating to textiles?

5. Has any prospective juror or any immediate family member or close friend had a medical procedure involving a suture or suture anchor product, such as rotator cuff surgery, shoulder replacement, or other orthopedic procedures involving sutures or suture anchors? The parties' proposed follow-up questions:

- a. What was the nature of your orthopedic surgery involving suture anchors?
- b. When was this procedure done?
- c. Was the procedure a success? If not, what, if any, additional procedures have you had?
- d. Do you know whether any of the products that were used in your procedure were made by either Mitek or Arthrex?
- e. Will your procedure experience have any impact on your ability to fairly and impartially decide this patent dispute about sutures for orthopedic surgery?

6. Has any prospective juror or any immediate family member or close friend ever worked for a company that manufactures and/or sells medical devices? The parties' proposed follow-up questions:

- a. What company?
- b. What did the company manufacture or sell?
- c. Did the company manufacture and/or sell sutures or any devices that uses sutures?

7. Has any prospective juror or any immediate family member or close friend worked in the health care field? The parties' proposed follow-up questions:

- a. For whom are (were) you employed?
- b. What is (was) your job?
- c. What kind of facility do (did) you work in (hospital, doctor's office, etc.)?
- d. Does (did) your job involve sutures or any device that uses sutures?

8. Before this jury is selected does any prospective juror have any reason why either Mitek, Arthrex, Pearsalls or the Court should be concerned about you deciding this case? This is the time for you to give us any additional information we may have failed to ask about, which you think may bear on your ability to serve as a juror and to fairly and impartially weigh the evidence. If anyone is uncomfortable discussing something in front of the panel, we would be happy to have you speak with the Court and the parties privately. Please raise your hand if there are any matters you wish to bring to our attention.